Official Form 416A (12/15)

Form 416A. CAPTION (FULL)

United States Bankruptcy Court

Eastern _____ District Of ___ New York _____

In re   Rodney Randolph Washington _____,

[Set forth here all names including married, maiden, and trade names used by debtor within the last 8 years.]

Debtor

Address   17 Virginia Pl _____

Brooklyn, NY 11213

Case No.
1-19-44827-cec

Last four digits of Social-Security or Individual Tax- Payer-Identification (ITIN) No(s)., (if any):   4868 _____

Chapter
13

Employer's Tax Identification No(s). (if any): _____

[Designation of Character of Paper]

NOTICE OF APPEAL

Official Form 417A (12/18)

[Caption as in Form 416A, 416B, or 416D, as appropriate]

NOTICE OF APPEAL AND STATEMENT OF ELECTION

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s): Rodney Randolph Washington

2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.	For appeals in a bankruptcy case and not in an adversary proceeding.
☐ Plaintiff	
☐ Defendant	☒ Debtor
☐ Other (describe) _____	☐ Creditor
	☐ Trustee
	☐ Other (describe) _____

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from: ORDER GRANTING TERMINATION OF THE STAY AND IN REM RELIEF FROM THE AUTOMATIC STAY

2. State the date on which the judgment, order, or decree was entered: Nov. 22, 2019

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: Wells Fargo Bank NA/ HSBC Bank USA   Attorney: Frankel, Lambert, Weiss, Weisman & Gordon, LLP
   53 Gibson St.
   Bay Shore, NY 11706
   631-969-3100

2. Party: Chapter 13 Trustee Attorney: Michael J. Macco
   2950 Express Drive South, Suite 109
   Islandia, NY 11749
   631-549-7900

3. Office of the United States Trustee
   U.S. Gederal Office Building
   201 Varick St., Suite 1006
   New York, NY 10014

4. Willa Grant
   Address unknown

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

☒ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign below

_____   Date: _December 04, 2019_
Signature of attorney for appellant(s) (or appellant(s)
if not represented by an attorney)

Name, address, and telephone number of attorney
(or appellant(s) if not represented by an attorney):
Rodney Washington, Pro Se
17 Virginia Pl
Brooklyn, NY 11213
_917-868-5394_

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

[**Note to inmate filers:** If you are an inmate filer in an institution and you seek the timing benefit of Fed. R. Bankr. P. 8002(c)(1), complete Director's Form 4170 (Declaration of Inmate Filing) and file that declaration along with the Notice of Appeal.]

JS 44 (Rev. 09/19)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

Rodney Randolph Washington, Pro Se

(b) County of Residence of First Listed Plaintiff   Kings
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
17 Virginia Place
Brooklyn, NY 11213
917-868-5394

DEFENDANTS

Wells Fargo Bank N.A./HSBC Bank USA

County of Residence of First Listed Defendant   Suffolk
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*
Frankel, Lambert, Weiss, Weisman & Gordon, LLP
53 Gibson St.
Bay Shore, NY 11706   631-969-3100

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

☐ 1 U.S. Government Plaintiff	☒ 3 Federal Question *(U.S. Government Not a Party)*
☐ 2 U.S. Government Defendant	☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff*
(For Diversity Cases Only)   *and One Box for Defendant)*

	PTF	DEF		PTF	DEF
Citizen of This State	☒ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance	**PERSONAL INJURY**	**PERSONAL INJURY**	☐ 625 Drug Related Seizure of Property 21 USC 881	☒ 422 Appeal 28 USC 158	☐ 375 False Claims Act
☐ 120 Marine	☐ 310 Airplane	☐ 365 Personal Injury - Product Liability	☐ 690 Other	☐ 423 Withdrawal 28 USC 157	☐ 376 Qui Tam (31 USC 3729(a))
☐ 130 Miller Act	☐ 315 Airplane Product Liability	☐ 367 Health Care/			☐ 400 State Reapportionment
☐ 140 Negotiable Instrument	☐ 320 Assault, Libel & Slander	Pharmaceutical Personal Injury		**PROPERTY RIGHTS**	☐ 410 Antitrust
☐ 150 Recovery of Overpayment & Enforcement of Judgment	☐ 330 Federal Employers' Liability	Product Liability		☐ 820 Copyrights	☐ 430 Banks and Banking
☐ 151 Medicare Act	☐ 340 Marine	☐ 368 Asbestos Personal Injury Product		☐ 830 Patent	☐ 450 Commerce
☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)	☐ 345 Marine Product Liability	Liability		☐ 835 Patent - Abbreviated New Drug Application	☐ 460 Deportation
☐ 153 Recovery of Overpayment of Veteran's Benefits	☐ 350 Motor Vehicle	**PERSONAL PROPERTY**	**LABOR**	☐ 840 Trademark	☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 160 Stockholders' Suits	☐ 355 Motor Vehicle Product Liability	☐ 370 Other Fraud	☐ 710 Fair Labor Standards Act	**SOCIAL SECURITY**	☐ 480 Consumer Credit (15 USC 1681 or 1692)
☐ 190 Other Contract	☐ 360 Other Personal Injury	☐ 371 Truth in Lending	☐ 720 Labor/Management Relations	☐ 861 HIA (1395ff)	☐ 485 Telephone Consumer Protection Act
☐ 195 Contract Product Liability	☐ 362 Personal Injury - Medical Malpractice	☐ 380 Other Personal Property Damage	☐ 740 Railway Labor Act	☐ 862 Black Lung (923)	☐ 490 Cable/Sat TV
☐ 196 Franchise		☐ 385 Property Damage Product Liability	☐ 751 Family and Medical Leave Act	☐ 863 DIWC/DIWW (405(g))	☐ 850 Securities/Commodities/ Exchange
			☐ 790 Other Labor Litigation	☐ 864 SSID Title XVI	☐ 890 Other Statutory Actions
REAL PROPERTY	**CIVIL RIGHTS**	**PRISONER PETITIONS**	☐ 791 Employee Retirement Income Security Act	☐ 865 RSI (405(g))	☐ 891 Agricultural Acts
☐ 210 Land Condemnation	☐ 440 Other Civil Rights	**Habeas Corpus:**		**FEDERAL TAX SUITS**	☐ 893 Environmental Matters
☐ 220 Foreclosure	☐ 441 Voting	☐ 463 Alien Detainee		☐ 870 Taxes (U.S. Plaintiff or Defendant)	☐ 895 Freedom of Information Act
☐ 230 Rent Lease & Ejectment	☐ 442 Employment	☐ 510 Motions to Vacate Sentence		☐ 871 IRS—Third Party 26 USC 7609	☐ 896 Arbitration
☐ 240 Torts to Land	☐ 443 Housing/ Accommodations	☐ 530 General			☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
☐ 245 Tort Product Liability	☐ 445 Amer. w/Disabilities - Employment	☐ 535 Death Penalty	**IMMIGRATION**		☐ 950 Constitutionality of State Statutes
☐ 290 All Other Real Property	☐ 446 Amer. w/Disabilities - Other	**Other:**	☐ 462 Naturalization Application		
	☐ 448 Education	☐ 540 Mandamus & Other	☐ 465 Other Immigration Actions		
		☐ 550 Civil Rights			
		☐ 555 Prison Condition			
		☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN *(Place an "X" in One Box Only)*

☒ 1 Original Proceeding   ☐ 2 Removed from State Court   ☐ 3 Remanded from Appellate Court   ☐ 4 Reinstated or Reopened   ☐ 5 Transferred from Another District *(specify)*   ☐ 6 Multidistrict Litigation - Transfer   ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
11 USC 362.

Brief description of cause:
Court error on facts and Law in Removal of Automatic Stay.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.   DEMAND $ CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes   ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):   JUDGE _____   DOCKET NUMBER _____

DATE
12/04/2019

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____   AMOUNT _____   APPLYING IFP _____   JUDGE _____   MAG. JUDGE _____

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK
---x
IN RE: CASE NO.: 19-44827-cec

Rodney Randolph Washington,   CHAPTER 13

                                    Debtor.   Chief Judge: Hon. Carla E. Craig
---x

ORDER GRANTING TERMINATION OF THE STAY
AND IN REM RELIEF FROM THE AUTOMATIC STAY

On November 12, 2019, the Motion (the "Motion") of Wells Fargo Bank N.A. as servicing agent for HSBC Bank USA, National Association as Trustee for Nomura Asset Acceptance Corporation, Mortgage Pass-Through Certificates, Series 2006-AR2 ("Movant") came before the Court, for relief from the automatic stay with respect to the real property known as 17 Virginia Place, Brooklyn, New York 11213 ("Property"). This Court having considered the evidence presented and with good cause appearing therefore, it is hereby

ORDERED, that the automatic stay in effect pursuant to 11 U.S.C. §362(a) be, and is hereby, terminated pursuant to 11 U.S.C. §362(d)(1) and (d)(2) as to Movant, its agents, successors and/or assigns in interest, so that Movant, its agents, successors and/or assigns in interest, may take any and all action under applicable state law to exercise its remedies against the Property; and it is further

ORDERED, that the automatic stay is terminated, pursuant to 11 U.S.C. §362(d)(4), with respect to the Property, so that Movant, its agents, successors and/or assigns may pursue its rights under applicable state law to exercise its remedies against the Property, and it is further

ORDERED, that pursuant to 11 U.S.C. §362(d)(4), the Court finds that the filing of the petition was part of a scheme to delay, hinder, and defraud creditors as to the Property, and its further

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Case 1:19-cv-06297-WFK   Document 1   Filed 12/09/19   Page 6 of 6 PageID #: 6
Case 1-19-44827-cec   Doc 37   Filed 11/21/19   Entered 11/22/19 15:17:37

ORDERED, that in accordance with 11 U.S.C. §362(d)(4), if recorded in compliance with applicable state laws governing notice of interests of liens in real property, any other case filed under the Bankruptcy Code purporting to affect the Property filed not later than 2 years after the date of the entry of this order by the Court, by anyone including but not limited to Rodney Randolph Washington and Willa Grant, shall not operate as an automatic stay affecting the Property.

Dated: Brooklyn, New York
November 21, 2019
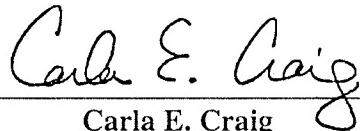
Carla E. Craig
United States Bankruptcy Judge